

## REMARKS

Reconsideration of the present application is respectfully requested.

Applicant has amended claims 28 and 39 to further define the claimed invention. Claims 30-32 have been cancelled. No new matter is added by the claim amendments.

### The rejections under 35 U.S.C. §103.

Claims 28-29 and 33-38 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 3,418,690 to Edwards in view of U.S. Patent No. 4,495,135 to White.

**Regarding independent claims 28 and 39**, both claims have been amended to recite “separating the first, second, and third portions of the mold whereby the second and third pieces move downwardly away from the first piece until the third piece contacts an ejector plug, the second piece thereafter continuing downward until clear of the container.” Applicant submits that neither the Edwards nor the White references teach the claimed limitation.

Edwards teaches an apparatus for manufacturing a plastic container with a thickened bead wherein an upper mold means 28 and lower mold means 30 are used in combination with a knock-out plug 28. To separate a molded article from the mold, mold means 18 and 20 are first “separated from each other.” Col. 3, lines 60-61. The knock-out plug is then separately actuated “to move the molded article from the mold.” Col. 3, lines 61-63. In contrast, the instant application claims a process that provides moving “the second and third pieces . . . downwardly away from the first piece until the third piece contacts an ejector plug, the second piece thereafter continuing downward until clear of the container.” Unlike Edwards, the third piece is not separately actuated “to move the molded article from the mold.” Rather, the instant application

claims a third piece that moves “downwardly away from the first piece until the third piece contacts an ejector plug” wherein the container may be removed when the second portion, which continues moving downward, is clear of the container.

Likewise, White fails to teach the limitation in amended claims 28 and 39. White discloses a method for forming a container having a re-entrant flange, wherein a container member is formed in a mold consisting of gate assembly 41 and lower die member 23. When a container is formed in White, leading end 39 of gate assembly 41 is moved away from the container as is lower die member 23. The container remains attached to the web 25 and is supported above the gate assembly 41 and lower die member 23 by flange forming portions 33. The process can be seen in Figs. 3 - 5. The container is then moved away from the mold and is later cut from the web 25. As will be appreciated, White fails to disclose a third piece that moves together with a second piece “downwardly away from the first piece until the third piece contacts an ejector plug, the second piece thereafter continuing downward until clear of the container.” Rather, White discloses a lower die member 23 that falls away from the container while the container apparently remains in place.

Applicants note that to establish a *prima facie* case of obviousness, three basic criteria must be met including the requirement that all claim limitations must be taught or suggested. In particular, the MPEP states that:

[f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. MPEP 706.02(j) [emphasis added]; *See also* MPEP 2143.01 – 2143.03.

Neither Edwards nor White disclose the limitation discussed above in the claim amendment and as such, the *prima facie* case of obviousness cannot be made. Applicants respectfully request withdrawal of the rejection of claim 28 and 29.

Claims 29, 33-38 and claims 40, 41 depend from claims 28 and 39, respectively, and therefore include all of the elements of claim 28 and 39. Claims 29, 33-38, 40, and 41 are allowable over the cited reference for at least the reasons recited above with respect to claims 28 and 39. Additionally, claims 29, 33-38, 40, and 41 are allowable on their own merit because there is no suggestion, motivation, or teaching to combine or modify the teachings of Edwards and White to produce the subject matter in the claims. Applicants respectfully request withdrawal of the rejections of claims 29, 33-38, 40, and 41 over Edwards and White.

### **CLOSING**

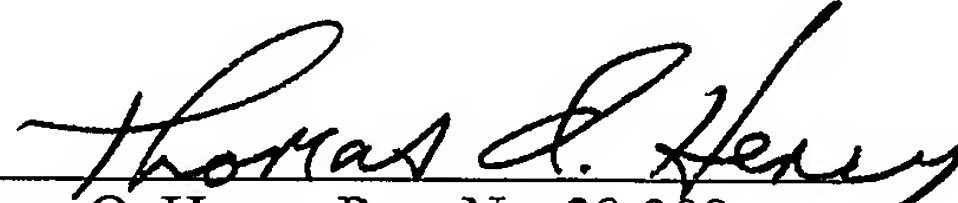
Applicant has amended claims 28 and 39 and respectfully requests reconsideration of pending claims 28, 29, and 33-41.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede any basis for rejections or objections in the Office Action. The remarks herein are provided simply to overcome the rejections and objections made in the Office Action in an expedient fashion.

The undersigned welcomes a telephonic interview with the Examiner.

Respectfully submitted,

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